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## Testimony before the House Armed Services Committee Hearing on HR 1886, the *Pakistan Enduring Assistance and Cooperation Enhancement (PEACE) Act 2009*

Thank you for the opportunity to testify on one of the most pressing national security issues facing the United States anywhere in the world today. I'll keep my initial remarks brief, but would like to set the scene with a concise review of the situation in Pakistan, some general comments on the bill, benchmarks and accountability.

### **Review of the situation**

Since 2001 the United States has spent about \$10 billion on assistance to Pakistan, including between \$80 and \$120 million per month on coalition support funds relating to Pakistani support for operations in Afghanistan. Most of this assistance has been focused on the Pakistani military, while we have provided an extremely small amount of help to the Pakistani police and judiciary system – Pakistani police funding, for example, has been running at about 0.6% of military funding. I'll come back to this point in a moment.

During the same timeframe, we've seen a severe deterioration in security in Pakistan, a major increase in violence, extremism and insurgency, a progressive loss of government control over population and territory, a spread of insurgency and terrorism, and continuing complicity by some elements of the Pakistani military and intelligence services with terrorists and insurgents in Afghanistan, Pakistan, India and elsewhere.

In my view, American taxpayers and legislators are entitled to ask what we have gotten for our \$10 billion dollars, and whether doing more of the same is likely to produce a better result. Some highlights (or perhaps low points) of developments in Pakistan include:

- The 2004 Shakai agreement, where the Pakistani army surrendered to militant demands after losing a campaign in Waziristan, and negotiated directly with Pakistani Taliban leaders, empowering them over local community leaders and ceding control of parts of Waziristan to them.
- The subsequent takeover by Pakistani Taliban of large portions of the FATA, the Malakand Division, the Northern Areas, and parts of Baluchistan.
- The September 2006 North Waziristan agreement, which again was signed directly between militants and the military (after another failed campaign), and led to a seasonally-adjusted spike in Taliban infiltration into Afghanistan of 400-600% over the fall and winter of 2006-7.
- The July 2007 Lal Masjid incident, where the army suppressed a militant takeover of a major mosque in downtown Islamabad, Pakistan's capital, mounting a lengthy siege then killing hundreds of people and leading to numerous subsequent retaliatory suicide bombings all over Pakistan.
- The December 2007 assassination of Benazir Bhutto in Rawalpindi, close to Pakistani Army headquarters, after she had publicly expressed concern that members of the military and intelligence services were trying to kill her.
- The July 2008 Indian embassy bombing in Kabul, which Afghan Intelligence concluded was supported by ISI, the Pakistani intelligence service, and was allegedly carried out by members of the Haqqani

Network, a Pakistan-based terrorist organization that operates in Afghanistan, targets US forces in Regional Command – East, and has close ties to ISI.

- The September 2008 bombing of the Marriott Hotel in Islamabad, the most prestigious hotel in the city, which was frequently used by diplomats and visiting US officials, an attack that killed or wounded 320 people and almost totally destroyed the hotel.
- The large-scale terrorist attack on Mumbai in November 2008, which was launched from the Pakistani port of Karachi, killed hundreds and was allegedly carried out by members of Lashkar e-Tayyiba, a militant group sponsored and trained by the ISI and Pakistani military, and after which the sole surviving attacker, Mohammed Ajmal Kasab, admitted to receiving training for approximately one year before the attack from retired or active-duty Pakistani military and intelligence personnel.
- The closing of the US/NATO line of communications through Pakistan to Afghanistan at least 6 times in 2008, including the destruction of hundreds of NATO vehicles and other equipment along a route that is supposedly protected by the Pakistani military.
- The March 2009 attack on the Sri Lankan cricket team in Lahore, which left 6 Pakistanis dead.
- Ongoing relationships between militants, terrorists and members of the Pakistani military and intelligence service, which were acknowledged by senior Pakistani officials in interviews with the New York Times in March 2009.
- The killing of hundreds of local officials, maliks and non-Taliban religious and community leaders across NWFP, Baluchistan and other parts of the country.
- The imposition of sharia law and Taliban vigilante “justice” across much of the FATA, the Frontier Regions, and most recently in Swat, to the exclusion of Pakistani law and government judicial system.
- Numerous incidents in which Pakistani military or Frontier Corps posts have allegedly fired on US forces inside Afghanistan, preventing them from chasing Taliban who were withdrawing from Afghanistan into Pakistan, and allowing the Taliban to escape back to their sanctuaries in Pakistan.
- Several incidents of Taliban allegedly setting up firing positions for mortars or rockets, either next to or in clear view of Pakistani military bases on the frontier, without interference from the Pakistani army.
- Incidents where Taliban targets within Pakistan allegedly moved or disappeared after details of their locations were passed to Pakistani authorities.
- The rioting and unrest in Lahore and other major cities in March 2009.
- The Swat Agreement of March and April 2009, which ceded control over Swat, along with other parts of the Malakand division of NWFP, to Taliban and TNSM militants, and the imposition of Sharia law.
- The continuing insurgency in Baluchistan which has resulted in parts of the province becoming a no-go area for Pakistani forces, and the maintenance of Taliban headquarters and base camps in and around Quetta and in refugee camps in the province.
- The creation of militant safe houses and operational cells in major Pakistani cities such as Peshawar, Quetta, Karachi, Lahore and Islamabad.
- The increasing severity of attacks on Pakistan’s Shia population, with beheadings, torture and gruesome killings of Shia men, women and children by militants across large areas of Western Pakistan, a problem that is approaching a slow-motion genocide in some areas.
- Desertions, defections and cooption of Pakistani military, police, frontier corps and civil officials in large numbers across much of western Pakistan, as well as the intimidation of security forces so that many troops remain in their garrison areas and over-react when provoked.

- The increasing presence of foreign fighters, and large numbers of Punjabi militants, in the FATA and NWFP over the past year.

I could go on at even more length; suffice to say that there is overwhelming evidence of:

- a Pakistani civilian government that does not control its own national security establishment,
- security services that have been complicit in allowing the takeover of parts of the country by militants,
- direct or indirect sponsorship of international terrorism by elements of the Pakistani national security establishment,
- ongoing support by the same national security establishment for insurgents who are killing Americans in Afghanistan, and
- a militant movement that is growing in reach and intensity week by week.

This has occurred during the same time period when we have given the Pakistani military \$10 billion dollars for what this bill describes as “invaluable” assistance and partnership against extremism and terrorism. I would respectfully submit that members of Congress ought to feel entitled to ask why, given this performance, we propose to now increase assistance to the same people, and what new measures we propose to ensure that the new bill won’t simply throw good money after bad.

I’m extremely heartened by the emphasis on benchmarks, accountability and conditionality in section 206 of this bill, but I wonder whether even this will be enough without a wholesale political change of heart in Pakistan. Given how long-standing and ingrained the support for militants has become within some elements of the Pakistani national security establishment, and how weak the civilian government is, members of Congress may decide that what is required here is fundamental, root-and-branch reform of the Pakistani military, and bringing it firmly under the authority of civilian elected officials, before we are likely to see any substantive improvement in the situation.

### **General Comments on the bill**

Section 2 of the bill defines counterinsurgency, but there are many different approaches to counterinsurgency, some of which work and some of which do not. Members of Congress might decide to go further in specifying what types of counterinsurgency activity we seek to see in Pakistan – rather than the heavy-handed violent tactics that have alienated the people and lost ground, we need to see the evidence-based best practices that we have seen in successful counterinsurgency campaigns elsewhere.

There is a certain amount of wishful thinking in the bill – Pakistan’s behavior does not match the bill’s description of Pakistan in Section 3 as a weak but willing partner who needs assistance. Pakistan *is* weak, but large parts of the Pakistani security establishment are also unwilling to accept our help, to do more against the Taliban and other militants, or are even actively supporting the enemy or complicit in allowing extremist takeover. The attitude of the Pakistani military establishment, and the whole tenor of civil-military relations in Pakistan, needs to change, otherwise additional assistance will ultimately help the enemy.

In my personal view, the bill gives insufficient attention, and insufficient funding, to reforming and building up the Pakistani police, including the Frontier Constabulary and the regular police. The police are a critically important element in any counterinsurgency, and I am not aware of any successful campaign in which police reform, police capability-building, police intelligence and the use of police to protect the population and uphold

law and order, were not key components. Pakistan needs a much larger, much better equipped, better trained, better supported and better paid police force. The fact that it doesn't have one is partly because the police are a major institutional rival to the army, and we have funneled the vast majority of our aid to, and through, the military. From a policy standpoint, increasing police reform and assistance efforts would thus serve four purposes at the same time – it would protect the Pakistani people, improve counterinsurgency performance, enhance the rule of law and weaken the stranglehold of the army over the civilian leadership of Pakistan.

The Pakistani police need better training in counterinsurgency, better communications, better protected mobility, better weapons and equipment, personal protective equipment, better intelligence and Special Branch capabilities, better accommodation and defensible living quarters to protect their families, a capability for constabulary (or paramilitary) policing, a capability for police Special Operations and counterterrorism, better training in investigative and community policing techniques, and access to better support from the legal and judicial system, which the bill rightly identifies as a key area for assistance.

We should also note that unlike the army and ISI, the police force is the only element of the Pakistani security forces which, as an institution, has a greater stake in upholding law and order, preventing state collapse and combating extremism, than in preparing to fight India. The police also lack the institutional tradition of cooperating with extremists that exists in the army and intelligence service.

Furthermore, unlike military capabilities which can easily be diverted into other purposes or turned against other regional countries or forces, police capabilities are harder to misuse and less threatening to outside players including the United States.

My professional judgment is that our assistance to Pakistan needs to include a very substantial increase in the amount of attention and funding given to the police, and to police reform. Of course, Police without functioning local civil authorities, district officers, political agents, courts, prisons, attorneys, judges, legal codes and all the other components of a functioning administrative and judicial system are likely to be ineffective, so this needs to be included also as part of a comprehensive approach.

Section 4 of the bill mentions the need to “prevent any territory of Pakistan from being used as a base or conduit for terrorist attacks in Pakistan, Afghanistan, or elsewhere”. I would respectfully submit that we are way past the *prevention* stage. Dealing with safe haven was the problem in 2003. Since the Army moved into the FATA in strength in 2004 we have seen a spreading and increasing militant movement that now threatens most of Pakistan. Rather than prevention, in 2009 (and probably 2010 also) Pakistan needs to focus on rollback – preserving and protecting those parts of Pakistan that are still reasonably secure, restoring Pakistani government control and security in these areas, focusing on protecting people rather than fighting the Taliban, and then beginning to roll back the insurgency in subsequent years.

## **Benchmarks**

None of this will happen without a change of heart in the Pakistani military and intelligence services that currently support the enemy, or without a substantial increase in Pakistani civilian political control over their own national security establishment. For this reason, I find the bill's focus on benchmarks, accountability, conditionality and assessment very encouraging. I especially support the requirement to channel all funding to the Pakistani military through civilian authorities. In particular, unless or until the Pakistani military

demonstrates that it is no longer supporting or acting in complicity with militants, Congress might consider it appropriate to allocate the bulk of that funding to the Pakistani police.

Congress may wish to consider the additional of further benchmarks, currently not included, which might include:

- a requirement for Pakistan to improve its performance in protecting NATO/US lines of communication and supply routes that pass through its territory,
- a requirement for Pakistan to demonstrate increased obedience by its military and intelligence services to direction given by the civilian government,
- an improvement in police capability,
- a drop in incidents of assassination and intimidation of community leaders and civilian officials,
- a drop in civilian non-combatant casualties inflicted by the military on the civilian population of Pakistan, thereby demonstrating a commitment to humane treatment and protection of the population.

### **Bottom Line**

The United States Government has spent \$10 billion dollars supporting Pakistan since 9/11, and in that time we have seen a dramatically worsening situation across the whole country. More of the same will not help, and indeed may make the situation worse. I fully support the benchmarks in the bill and would like to see an even greater emphasis on rule of law, policing and civilian administration, with even greater conditionality and stringency placed on continued assistance to the Pakistani military, unless and until it demonstrates a genuine commitment to cease supporting the enemy and begin following the direction of its own elected civilian government.

Rather than continuing to pretend that Pakistan is a weak but willing ally against extremism, we need to recognize that while some elements in Pakistan – some elected civilian political leaders, the majority of the Pakistani people, many tribal and community leaders and some appointed administrative officials – are genuinely committed to the fight against extremism, substantial parts of the Pakistani security establishment are complicit with the enemy, whether through incompetence, intimidation or ill intent. Our approach in assisting Pakistan should be to strengthen our friends and limit the power of our enemies, while helping Pakistan stabilize itself and govern its people responsibly and humanely. Increasing assistance to the police – making the police, in effect, the premier counterinsurgency force – while channeling all military support through civilian authorities and ensuring greater accountability and conditionality on military assistance, is the correct approach. We are way past prevention in 2009, and need to focus on stopping the rot and stabilizing the situation in 2009-2010, then rolling back extremism and militancy thereafter.